

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Applicant or Patentee: Douglas O. Reudink, Mark D. Reudink

Serial or Patent No.:

Filed or Issued on:

Title: **HIGH SPEED FIXED WIRELESS VOICE/DATA SYSTEMS AND METHODS**

STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(b)--SMALL BUSINESS CONCERN

I hereby state that I am

the owner of the small business concern identified below:

an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Small Business Concern Metawave Communications Corporation
Address of Small Business Concern 10735 Willows Road N.E.
 P.O. Box 97069
 Redmond, WA 98073-9769

I hereby state that the above identified small business concern qualifies as a small business concern, as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to, and remain with, the small business concern identified above, with regard to the invention described in

the specification filed herewith, with title as listed above.

the application identified above.

the patent identified above.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c), if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each such person, concern or organization having any rights in the invention is listed below:

No such person, concern, or organization exists.

Each such person, concern or organization is listed below.

Name _____
Address _____

INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: Kathryn Surace-Smith
Title of Person if Other Than Owner: Secretary
Address of Person Signing: 10735 Willows Road N.E.
P.O. Box 97069
Redmond, WA 98073-9769

SIGNATURE: Kathryn Surace-Smith

Date: 16-18-99

COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,
CONTINUATION, OR C-I-P)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type:

- original.
- design.
- supplemental.
- national stage of PCT.
- divisional.
- continuation.
- continuation-in-part (C-I-P).

INVENTORSHIP IDENTIFICATION

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am the original, first and sole inventor (*if only one name is listed below*) or an original, first and joint inventor (*if plural names are listed below*) of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

HIGH SPEED FIXED WIRELESS VOICE/DATA SYSTEMS AND METHODS

SPECIFICATION IDENTIFICATION

The specification of which:

- (a) is attached hereto.
- (b) was filed on _____, as Serial No. 0 / _____ or
 _____ and was amended on _____ (*if applicable*).
- (c) was described and claimed in PCT International Application No. _____ filed
on _____ and as amended under PCT Article 19 on _____ (*if
any*).

SUPPLEMENTAL DECLARATION (37 CFR 1.67(b))

I hereby declare that the subject matter of the
 attached amendment
 amendment filed on _____.

was part of my/our invention and was invented before the filing date of the original application, above identified, for such invention.

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56,

in compliance with this duty, there is attached an information disclosure statement, in accordance with 37 CFR 1.98.

PRIORITY CLAIM (35 U.S.C. § 119(a)-(d))

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(d) no such applications have been filed.
 (e) such applications have been filed as follows.

**PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS
 (6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION
 AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119(a)-(d)**

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING DAY, MONTH, YEAR	PRIORITY CLAIMED UNDER 35 USC 119	
			[<input type="checkbox"/>] Yes	[<input type="checkbox"/>] No
			[<input type="checkbox"/>] Yes	[<input type="checkbox"/>] No
			[<input type="checkbox"/>] Yes	[<input type="checkbox"/>] No

CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)
 (35 U.S.C. § 119(e))

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

PROVISIONAL APPLICATION NUMBER	FILING DATE
_____ / _____	_____
_____ / _____	_____
_____ / _____	_____

**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)
 UNDER 35 U.S.C. § 120**

The claim for the benefit of any such applications are set forth below:

APPLICATION SERIAL	FILING DATE	STATUS

**ALL FOREIGN APPLICATION(S), IF ANY, FILED MORE THAN 12 MONTHS
 (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

POWER OF ATTORNEY

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

David H. Tannenbaum, Reg. No. 24,745;
 Michael A. Papalas, Reg. No. 40,381;
 R. Ross Viguet, Reg. No. 42,203;
 Michael J. Fogarty, III, Reg. No. 42,541;
 Brian A. Carlson, Reg. No. 37,793,
 Jody Bishop, Reg. No. 44,034
 Thomas J. Meaney, Reg. No. 41,990

SEND CORRESPONDENCE TO

DIRECT TELEPHONE CALLS TO:

David H. Tannenbaum
 FULBRIGHT & JAWORSKI L.L.P.
 2200 Ross Avenue, Suite 2800
 Dallas, Texas 75201.

R. Ross Viguet
 (214) 855-8185

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name, as it should appear on the filing receipt and all other document.

Full name of first inventor: Douglas O. Reudink

Inventor's signature: Douglas O. Reudink

Country of Citizenship: U.S.A. **Date:** 10/14/99

Residence: 9039 Juanita Drive, Unit 103, Kirkland, WA 98033

Post Office Address: 9039 Juanita Drive, Unit 103, Kirkland, WA 98033

Full name of second inventor: Mark D. Reudink

Inventor's signature: Mark D. Reudink

Country of Citizenship: U.S.A. **Date:** 10-18-99

Residence: 121 NE 58th Street, Seattle, WA 98105

Post Office Address: 121 NE 58th Street, Seattle, WA 98105